

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People v Kendall Andre Bragg**
Docket No. **255578**
L.C. No. **03-012782-01**

Michael J. Talbot, Judge, acting under MCR 7.211(E)(2), orders:

The prosecution's confession of error is accepted and defendant-appellant's conviction of accosting, enticing, or soliciting a child for immoral purpose is VACATED. Since accosting, enticing, or soliciting a child for immoral purpose is not a lesser included offense of CSC II, it was error to convict defendant of this uncharged crime and the Court cannot conclude that the error was harmless beyond a reasonable doubt. The Court's holding in *People v Cornell*, 466 Mich 335 (2002) applies to both bench and jury trials. See *Cornell*, supra at 349, fn. 5. Defendant-appellant's conviction is vacated and the case is remanded for entry of a judgment of acquittal of two counts of CSC II.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 11 2005
Date

Sandra Schultz Mengel
Chief Clerk